THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

Writ Petition No. 34255 of 1997

Dated: 23.02.2007

Between:

Kundur Venkata Reddy and others.

..... PETITIONERS

AND

The District Collector, Prakasam District at Ongole and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

Writ Petition No. 34255 of 1997

Order:

Questioning the action of the respondents in proposing to evict the petitioners from the lands under their occupation admeasuring Ac.2.68 cents situated in Survey Nos.317/3, 314/2, 317/8, 314/32, 314/14 and 16, 314/32, 314/3, 314/2, 318/5B, 318/15, 318/5B, 318/30, 318/12, 314/33, 318/24, 318/1B, 314/9, 314/11, 314/15, 317/3, 314/28, 314/28, 314/38, 318/13 and 318 of Thippayapalem village, Markapur Mandal, Prakasam District, pursuant to the impugned show cause notice, dated 29.11.1997, issued by the 3rd respondent-Mandal Revenue Officer, under Section 7 of the Land Encroachment Act, 1905 (for short 'the Act'), the present writ petition is filed.

The case of the petitioners, in brief, is that their forefathers encroached the land in question long back and being used as Hayrick yard from times immemorial. They state that pattas were also granted in favour of their forefathers long back, however, as they are not in possession of those pattas at present, they made several requests to the revenue authorities for regularisation of pattas in their favour in respect of the lands in question under their respective occupation, but so far no action has been taken. While the matter stood thus, the 3rd respondent-Mandal Revenue Officer issued the impugned show cause notices, dated 29.11.1997, calling upon them to show cause as to why they should not be evicted from the lands in question, which is illegal and arbitrary. Hence, they filed the present writ petition.

Heard the learned counsel for the petitioners and the learned Government Pleader appearing for the respondents.

Admittedly, the petitioners are encroachers and they do not have any right whatsoever on the lands in question. Hence, it necessitated the authorities to issue the impugned show cause notices, under Section

7 of the Act. For the said show cause notices, instead of offering their explanation and requesting the authorities to assign the land in question in their favour, the petitioners, in haste, approached this Court and filed the present writ petition. Hence, this Court is of the view that the writ petition can be disposed of with the following directions:

The petitioners are directed to submit their explanations to the show cause notices, dated 29.11.1997, issued by the 3rd respondent-Mandal Revenue Officer, and on submitting such explanations, the authorities, particularly the 3rd respondent-Mandal Revenue Officer shall consider the same and pass appropriate orders in the matter in accordance with law.

With the above directions, the writ petition is disposed of. No costs.

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GOPALA KRISHNA TAMADA, J.

Date: 23.02.2007
Nsr